

AMENDED IN SENATE MAY 20, 2008  
AMENDED IN SENATE APRIL 29, 2008  
AMENDED IN SENATE APRIL 22, 2008  
AMENDED IN SENATE MARCH 25, 2008

**SENATE BILL**

**No. 1582**

---

**Introduced by Senators Simitian and Maldonado**

February 22, 2008

---

An act to add *and repeal* Chapter 4.5 (commencing with Section 72435) ~~to~~ of Division 38 of the Public Resources Code, relating to ocean resources, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1582, as amended, Simitian. Ocean resources: ocean rangers.

Existing law prohibits a large passenger vessel from releasing specified waste streams into the marine waters of the state and requires the owner or operator of the vessel to maintain specified records. Existing federal law vests the jurisdiction over the admission of foreign aliens with the federal government.

This bill would, *until January 1, 2015*, require an owner or operator of a large passenger vessel, on and after ~~September~~ *January 1, 2009*, or a later specified date, to have *onboard* an ocean ranger ~~onboard~~, as defined, while the vessel is operating in the marine waters of the state, to monitor the vessel's compliance with the above prohibition, to observe the maintenance and operational procedures for the onboard waste treatment systems, and to assist in criminal investigations, *subject to the availability of funding to place an ocean ranger onboard*. The owner or operator would be required to provide specified records for inspection by the ocean ranger, upon request. The ocean ranger would

be authorized to observe maintenance and operational procedures for onboard waste treatment systems, and would be authorized to, among other things, assist the passengers and crew in reporting and investigating alleged crimes onboard while in the marine waters of the state, and act as a liaison with the state and the federal Department of Homeland Security. *The ocean ranger would have the responsibility of reporting incidences of alleged criminal activities to, and coordinating law enforcement activities with, the local or federal law enforcement agency with jurisdiction.* The bill would require the Attorney General to negotiate, with specified jurisdictions, memoranda of understanding establishing terms and conditions of access to, and egress from, large passenger vessels for the ocean rangers from ports in those jurisdictions. On and after a specified date, a large passenger vessel would be prohibited from disembarking passengers in the state if the vessel's last port of call is outside the marine waters of the state and the vessel operator denies to the ocean ranger or specified equivalent enforcement personnel access to the vessel at the foreign port.

~~The bill would authorize~~ *require* the Department of Justice, ~~from January 1, 2009, to August 31, 2009, beginning March 1, 2009, and biennially thereafter, to publish on its Internet Web site a statistical analysis of crimes committed, investigated, and resolved onboard a large passenger vessel making port in California. The department would be required to assess on the owner or operator of a vessel a fee of \$1 \$1.50 per passenger for each day in which the large passenger vessel is operating in the marine waters of the state and thereafter a fee of \$1 per passenger for each day in which the large passenger vessel is operating in the marine waters of the state and an ocean ranger is onboard the vessel who embarks on a cruise, or who ends a cruise and disembarks, at a port of call in California. The Department of Justice, would be required, beginning January 1, 2011, to revise biannually annually the fee pursuant to a specified procedure to ensure that the fee generates sufficient revenues only to cover the costs of implementing this act, plus a prudent reserve. The bill would require the State Board of Equalization to collect and deposit the fee into the Ocean Ranger Program Fund, a continuously appropriated fund, which the bill would establish in the State Treasury to be used to provide refunds to an owner and operator of a large passenger vessel for the collection of excessive fee and to reimburse the department for the costs of implementing this act, thereby making an appropriation, and, upon appropriation by the Legislature, the collected fee would be used for specified purposes.~~

The department would be required, in cooperation with the Commission on Peace Officer Standards and Training, to develop an appropriate course of training for ocean rangers. The department would be required to develop *and periodically update* specified training for, and to contract with a qualified entity to provide training for, an ocean ranger who would conduct environmental compliance activities. The department would be required to contract with an entity to provide personnel qualified as ocean rangers to conduct environmental compliance activities.

The bill would provide that the department would implement this act in conformity with the requirements of international and federal law.

*This bill would be repealed by its own terms on January 1, 2015.*

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) More cruise ships are calling upon California ports of call
- 4 every year. The cruise ship fleet is increasing in size and carrying
- 5 capacity and producing increasing volumes of solid and liquid
- 6 waste.
- 7 (b) Improperly treated wastes released into the environment can
- 8 significantly impact California's aquatic ecosystems and the people
- 9 and industries that depend upon them.
- 10 (c) The cruise ship industry has a poor record on self-policing
- 11 environmental practices.
- 12 (d) California's zero-discharge law for cruise ships does not
- 13 provide independent oversight of the industry or verification of
- 14 the zero-discharge requirement.
- 15 (e) Millions of American citizens travel on cruise ships every
- 16 year and numerous documented cases exist of serious crimes
- 17 against passengers by other passengers and crew members.
- 18 (f) The cruise ship industry has failed to adopt adequate
- 19 measures to protect passengers from theft, rape, assaults, and
- 20 suspected homicides, or to provide the necessary assistance to
- 21 United States public safety officers investigating these crimes.
- 22 ~~(g) Every cruise ship provides thousands of foreign citizens,~~
- 23 ~~both passengers and crew, with transport and access to multiple~~

1 ~~ports of call in the state with insufficient oversight from state and~~  
2 ~~federal authorities.~~

3 ~~(h) It is the intent of the Legislature to place a licensed marine~~  
4 ~~engineer with peace officer status on all cruise ships traveling~~  
5 ~~through the marine waters of the state. These employees of the~~  
6 ~~state, to be known as ocean rangers, would help protect the state's~~  
7 ~~coastal resources, investigate crimes against passengers, and~~  
8 ~~provide support to state and federal homeland security agencies.~~

9 SEC. 2. Chapter 4.5 (commencing with Section 72435) is added  
10 to Division 38 of the Public Resources Code, to read:

11  
12 CHAPTER 4.5. OCEAN RANGERS  
13

14 72435. (a) Unless the content otherwise requires, the  
15 definitions set forth in this section govern this chapter.

16 (b) "Department" means the Department of Justice.

17 (c) "Environmental marine ranger" means a person who is a  
18 United States Coast Guard licensed merchant marine officer with  
19 at least 720 days of shipboard employment within the past five  
20 years in the capacity of a second assistant engineer (any  
21 horsepower) or a second mate (unlimited), or a higher shipboard  
22 position, with a valid certificate issued pursuant to the Standards  
23 of Training and Certification and Watchkeeping (STCW) for  
24 Seafarers, 1978, as amended.

25 (d) "Fund" means the Ocean Ranger Program Fund established  
26 pursuant to Section 72435.7.

27 (e) "Ocean ranger" means either of the following:

28 (1) An investigator specified in subdivision (b) of Section 830.1  
29 of the Penal Code or a peace officer of a public law enforcement  
30 agency in the state if the department entered into a contract with  
31 the public law enforcement agency for the provision of this  
32 personnel.

33 (2) An environmental marine ranger provided by an entity  
34 pursuant to a contract with the department under Section 72435.2.

35 72435.1. (a) (1) The department shall, in cooperation with  
36 the Commission on Peace Officer Standards and Training, develop  
37 *and periodically update* an appropriate training course for the  
38 ocean ranger specified in paragraph (1) of subdivision (e) of  
39 Section 72435.

(2) An investigator serving as an ocean ranger pursuant to paragraph (1) of subdivision (e) of Section 72435 shall complete the course developed pursuant to paragraph (1) before being assigned to a large passenger vessel.

(b) (1) For the training of the ocean ranger specified in paragraph (2) of subdivision (e) of Section 72435 for work on a large passenger vessel pursuant to this chapter, the department shall contract with a training facility that provides a course established subsequent to 2006 and updated annually. The training course shall include, at a minimum, all of the following:

(A) Applicable international, federal, state, and local environmental laws and regulations.

(B) Records and sampling of all regulated waste streams and discharges.

(C) Reporting requirements.

(D) Spill and environmental response plans.

(E) Prohibited activities.

(F) Shipboard security plans.

(G) Any other subjects that the department deems appropriate.

(2) A person serving as an ocean ranger pursuant to paragraph (2) of subdivision (e) of Section 72435 shall complete the training course specified in paragraph (1) before being assigned to a large passenger vessel.

72435.2. (a) The department shall contract with an entity to provide for qualified environmental marine rangers to serve as ocean rangers.

(b) (1) A contract entered into pursuant to subdivision (a) shall require the contracting entity to reimburse to the operator of a vessel for providing room and board to an ocean ranger assigned to the vessel pursuant to this chapter.

(2) Calculations for the ocean ranger's room and board shall be based on providing a single, inside room on the vessel in the lowest price category.

72435.3. (a) (1) The Attorney General shall negotiate a memorandum of understanding with appropriate state, national, provincial authorities from Alaska, Washington, Hawaii, and, as applicable under international and federal law, Canada and Baja California. The memorandum of understanding shall establish terms and conditions of access to, and egress from, large passenger vessels for the ocean ranger from ports in those jurisdictions

1 pursuant to this chapter or for equivalent law enforcement and  
2 environmental enforcement personnel from those foreign  
3 jurisdictions. The memorandum of understanding shall require the  
4 ocean ranger or the specified equivalent law and marine  
5 enforcement personnel to board the large passenger vessel at the  
6 last port of call made by the vessel before the vessel enters into  
7 the marine waters of the state.

8 *(2) In implementing this chapter, the Attorney General shall,*  
9 *to the greatest extent feasible, pursue the goal of having the ocean*  
10 *rangers specified in paragraph (1) of subdivision (e) of Section*  
11 *72435 be cross-deputized with the United States Coast Guard, the*  
12 *Federal Bureau of Investigation, and other state, federal, and*  
13 *international law enforcement agencies.*

14 *(b) (1) Not later than January 1, 2010, the Attorney General*  
15 *shall place an ocean ranger on board large passenger vessels as*  
16 *soon as practicable considering the requirements of this chapter.*

17 ~~(b) (1) By September 1, 2009, an~~

18 *(2) An ocean ranger shall be onboard a large passenger vessel*  
19 *if the Attorney General has a memorandum of understanding with*  
20 *the jurisdiction of the last port of call or the next port of call of*  
21 *that vessel, and sufficient funds are available to place an ocean*  
22 *ranger onboard.*

23 ~~(2)~~

24 *(3) If there is no memorandum of understanding with the*  
25 *applicable jurisdiction on or before September 1, 2009, January*  
26 *1, 2010, an ocean ranger shall be on the vessel three months after*  
27 *a memorandum of understanding has been entered into between*  
28 *the Attorney General and the applicable jurisdiction, and sufficient*  
29 *funds are available to place an ocean ranger onboard.*

30 *(c) On and after the applicable date specified in subdivision (b),*  
31 *a large passenger vessel making a port of call in the state shall not*  
32 *disembark any passengers at a California port if the last port of*  
33 *call is in Hawaii, Alaska, Washington, Canada, or Baja California*  
34 *and an ocean ranger or equivalent enforcement personnel specified*  
35 *in subdivision (a), authorized by the memorandum of understanding*  
36 *entered into pursuant to subdivision (a), has been denied access at*  
37 *the last port of call to the vessel by the vessel operator, unless the*  
38 *Attorney General determines that there are insufficient funds to*  
39 *place an ocean ranger onboard all large passenger vessels.*

(d) For a large passenger vessel embarking for an international destination from a port in the state, and not returning to the state within seven days, or making a port of call in Hawaii or Alaska, arrangements shall be made between the vessel operator and the department for the ocean ranger to disembark the ship or to remain in the first port of call outside the state. If a memorandum of understanding is not entered into with the appropriate governmental authorities in Baja California for a vessel bound for Mexico, arrangements shall be made between the Attorney General and the vessel operator for the ocean ranger to disembark the ship.

(e) *The department shall have sole responsibility for notifying the large passenger vessel operators and the local government entities that regulate California ports of a large passenger vessel owner or operator's compliance or noncompliance with this chapter and the status of the memoranda of understanding required by this section.*

72435.4. (a) (1) For a large passenger vessel operating in the marine waters of the state, an ocean ranger specified in paragraph (1) of subdivision (e) of Section 72435 onboard the vessel may do both of the following:

(1)

(A) Assist the passengers and crew, as needed, with reporting alleged crimes occurring onboard and advising, where requested, on the proper law enforcement procedures regarding the gathering of evidence from alleged crime scenes and ensuring the process concerning witness identification and interviews is initiated.

(2)

(B) Act as a liaison with the state and the federal Department of Homeland Security, as necessary or as requested by those two entities.

(2) *When a large passenger vessel enters a port in California, the ocean ranger specified in paragraph (1) of subdivision (e) of Section 72435 shall report incidences of alleged criminal activities occurring onboard to, and coordinate law enforcement activities with, the local or federal law enforcement agency with jurisdiction. Except as provided by any other provision of law, a port district with jurisdiction over the port is not responsible for the reporting of incidences of alleged criminal activities to, and coordination of law enforcement activities with, the local or federal law enforcement agency.*

(3) *On and after March 1, 2009, the department shall publish on its Internet Web site a statistical analysis, broken down by large passenger vessel operator and by large passenger vessel, of crimes committed, investigated, and resolved onboard each vessel making port in California. The report shall be updated, at a minimum, biennially.*

(b) For a large passenger vessel operating in the marine waters of the state, an ocean ranger specified in paragraph (2) of subdivision (e) of Section 72435 onboard the vessel may do both of the following:

(1) Monitor a large passenger vessel's compliance with the requirements of Chapter 3 (commencing with Section 72420) if the applicable federal agencies approve an application made pursuant to subdivision (a) of Section 72440 while the vessel is operating in the marine waters of the state.

(2) Observe maintenance and operational procedures for onboard vessel treatment systems.

72435.5. (a) The owner or operator of a large passenger vessel shall make available, upon request, an applicable record on the vessel's compliance with the requirements of Chapter 3 (commencing with Section 72420) for inspection by an ocean ranger.

(b) To the extent allowable under international and federal laws, the owner or operator of a large passenger vessel shall provide to an ocean ranger access to the vessel's security plan.

~~72435.6. (a) From January 1, 2009, to August 31, 2009, (1) Beginning January 1, 2009, the department may assess on an owner or operator of a large passenger vessel a fee of one dollar (\$1) per passenger per day in which the vessel is operating in the marine waters of the state. passenger vessel a fee of one dollar and fifty cents (\$1.50) per passenger who embarks on a cruise from a port of call in California and one dollar and fifty cents (\$1.50) per passenger who ends a cruise and disembarks at a port of call in California.~~

~~(b) On and after September 1, 2009, the department may assess on an owner or operator of a large passenger vessel a fee of one dollar (\$1) per passenger per day in which the vessel is operating in the marine waters of the state and an ocean ranger is onboard the vessel.~~

1     (2) *The fee specified in paragraph (1) shall not be assessed for*  
2 *a passenger who does not begin or end a cruise at a port of call*  
3 *in California.*

4     ~~(e)~~

5     (b) The fee specified in subdivision ~~(b)~~ (a) shall be revised on  
6 or before January 1, ~~2010, and biennially 2011, and annually~~  
7 thereafter, pursuant to subdivision ~~(d)~~ (c) to ensure that the fees  
8 collected are sufficient only to generate revenue to cover the costs  
9 of implementing this chapter, plus a prudent reserve.

10    ~~(d)~~

11    (c) The fee specified in subdivision ~~(b)~~ (a) shall be revised as  
12 follows:

13     (1) On or before March 1, ~~2009, 2010, and on or before March~~  
14 ~~1 biennially annually~~ thereafter, the department shall submit to  
15 the Department of Finance an annual work plan. In determining  
16 the annual costs of implementing the work plan, no more than 3  
17 percent of the annual cost shall include the department's costs for  
18 overhead and administration.

19     (2) On or before July 1, ~~2009, 2010, and on or before July 1~~  
20 ~~biennially annually~~ thereafter, the Department of Finance shall  
21 certify that the proposed work plan is feasible and that the  
22 ~~department's~~ estimated costs for implementing the work plan ~~is~~  
23 ~~are~~ within 25 percent of the estimate determined by the Department  
24 of Finance to implement the annual work plan. The Department  
25 of Finance shall establish the necessary passenger fee ~~based on~~  
26 ~~the estimated costs, based on the department's estimated costs,~~  
27 ~~which shall take effect beginning January 1, 2010, and revised~~  
28 ~~biennially 2011. The Department of Finance shall revise annually~~  
29 ~~the passenger fee, pursuant to this paragraph, which shall take~~  
30 ~~effect on January 1 of each year thereafter.~~ On or before October  
31 1, ~~2009, and biennially 2010, and annually~~ thereafter, the  
32 Department of Finance shall report the new fee that would be  
33 effective beginning January 1, ~~2010, and biennially 2011, and~~  
34 ~~annually~~ thereafter.

35     (3) If the Department of Finance does not certify the  
36 department's proposed work plan and the cost estimate pursuant  
37 to paragraph (2), the department and the Department of Finance  
38 shall meet and confer, and produce a final work plan and cost  
39 estimate on or before September 1 after the date that the decision  
40 not to certify the work plan and cost estimate was made.

(4) If, after the meet and confer conducted pursuant to paragraph (3), the department and the Director of Finance fail to agree on the work plan and cost estimate, this issue shall be brought before the Governor for resolution.

(e)

(d) If the revised fee has not been settled in a timely manner pursuant to subdivision (c), the existing fee shall remain in place until a revised fee is established.

(e) (1) Prior to January 1, 2011, the department shall hire or contract for only the number of ocean rangers that can be fully funded with the fees collected pursuant to this section.

(2) The department shall have the discretion to determine the best method for a phased implementation of the placement of ocean rangers onboard a large passenger vessel pursuant to this chapter.

72435.7. (a) Revenue generated from the fees collected pursuant to this section shall be deposited into the Ocean Ranger Program Fund, which is hereby created in the State Treasury. ~~Notwithstanding Section 13340 of the Government Code, the money in the fund is hereby continuously appropriated to the Controller for both of the following purposes: Upon appropriation by the Legislature, the Controller shall disburse money in the fund for all of the following purposes:~~

(1) To pay refunds to an owner or operator of a large passenger vessel for the collection of excessive fees.

(2) To reimburse the department for the training of ocean rangers and the implementation of this chapter.

(3) To reimburse the Controller for the costs incurred in implementing this chapter.

(4) To reimburse the Department of Finance for the costs incurred in implementing this chapter.

(5) To reimburse the State Board of Equalization for costs incurred during the 2008–09 fiscal year in implementing this chapter that were not recovered pursuant to subdivision (c).

(b) The State Board of Equalization shall administer and collect the fee specified in Section 72435.6 in accordance with the Fee Collection Procedure Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code).

~~(c) (1) The fee imposed pursuant to subdivision (a) of Section 72435.6 shall be due and payable to the State Board of Equalization on or before the last day of the month in which a large passenger~~

1 vessel was docked in the state. The payments shall be accompanied  
2 by a return in a form as prescribed by the State Board of  
3 Equalization, including, but not limited to, electronic media.  
4 Returns shall be authenticated in a form or pursuant to methods  
5 as may be prescribed by the State Board of Equalization.

6 (2)

7 (c) The fee imposed pursuant to subdivision (b) of Section  
8 72435.6 shall be due and payable to the State Board of Equalization  
9 on or before the last day of each quarter in which a large passenger  
10 vessel was docked in the state. The payments shall be accompanied  
11 by a return in a form as prescribed by the State Board of  
12 Equalization, including, but not limited to, electronic media.  
13 Returns shall be authenticated in a form or pursuant to methods  
14 as may be prescribed by the State Board of Equalization.

15 (d) After deducting the administrative costs incurred in the  
16 collection of the fee, the State Board of Equalization shall deposit  
17 the remaining amount into the fund.

18 (e) (1) ~~Before September 1, 2009, January 1, 2010, upon~~  
19 *appropriation by the Legislature*, the Controller shall disburse the  
20 money in the fund to the department on a monthly basis to ensure  
21 that no more than 30 days' expenses for the implementation of  
22 this chapter are charged to the General Fund.

23 (2) On and after ~~September 1, 2009, January 1, 2010, upon~~  
24 *appropriation by the Legislature*, the Controller shall disburse the  
25 money in the fund to the department, *on a quarterly basis*, to  
26 reimburse the department for the costs of implementing this  
27 chapter.

28 72435.8. *On or before January 1, 2014, the department shall*  
29 *submit to the Legislature a report that includes, but is not limited*  
30 *to, all of the following information:*

31 (a) *A yearly breakdown of costs of the program.*

32 (b) *The total fees generated.*

33 (c) *The number of ocean rangers hired.*

34 (d) *The ongoing staffing requirements of the program.*

35 (e) *The number of environmental violations reported pursuant*  
36 *to this chapter.*

37 (f) *The number of criminal allegations in which an ocean ranger*  
38 *had been involved.*

39 (g) *The number of complaints filed by passengers and crew*  
40 *against the ocean rangers.*

1     ~~72435.8.~~

2     72435.9. The department shall implement this chapter in  
3 conformity with all applicable requirements of international and  
4 federal law.

5     ~~72435.9.~~

6     72435.10. The provisions of this chapter are severable. If any  
7 provision of this chapter or its application is held invalid, that  
8 invalidity shall not affect other provisions or applications that can  
9 be given effect without the invalid provision or application.

10    72435.11. *This chapter shall remain in effect only until January*  
11 *1, 2015, and as of that date is repealed, unless a later enacted*  
12 *statute, that is enacted before January 1, 2015, deletes or extends*  
13 *that date.*